

EXHIBIT 445

Highly Confidential - Subject to Further Confidentiality Review

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

IN RE: NATIONAL	:	
PRESCRIPTION	:	MDL No. 2804
OPIATE LITIGATION	:	
<hr/>		Case No.
		1:17-MD-2804
THIS DOCUMENT RELATES	:	
TO ALL CASES	:	Hon. Dan A. Polster

- - -

Thursday, December 6, 2018

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

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Videotaped deposition of JASON BRISCOE, held
at the offices of Cavitch, Familo & Durkin,
1300 East Ninth Street, Cleveland, Ohio, commencing at
9:05 a.m., on the above date, before Carol A. Kirk,
Registered Merit Reporter and Notary Public.

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<p>1 A. Yes.</p> <p>2 Q. And when you reference OTC, you're</p> <p>3 referring to your -- your front end operations,</p> <p>4 which is all -- when you walk into the pharmacy,</p> <p>5 from candy bars to paper plates to --</p> <p>6 A. Yes.</p> <p>7 Q. -- whatever is in there?</p> <p>8 A. Front end is a good term for it.</p> <p>9 Q. All right. Thank you. And ...</p> <p>10 All right. So what I'm referring</p> <p>11 to when I'm talking about distribution center is</p> <p>12 your -- your prescriptions, your -- whatever --</p> <p>13 dosage units, pills, whatever --</p> <p>14 A. Yep.</p> <p>15 Q. -- how many --</p> <p>16 MR. JOHNSON: And we can agree</p> <p>17 that that will stay the same unless you</p> <p>18 designate otherwise as we go forward?</p> <p>19 MR. MOUGEY: Thank you. That</p> <p>20 would be helpful, yes. Thank you.</p> <p>21 MR. JOHNSON: So we're all clear?</p> <p>22 MR. MOUGEY: Thank you.</p> <p>23 BY MR. MOUGEY:</p> <p>24 Q. So distribution center for</p>	<p>1 any of your capacities at DDM?</p> <p>2 A. The pharmacy manager reports to</p> <p>3 our SVP of pharmacy. However, I'm involved in</p> <p>4 supporting her if and when necessary.</p> <p>5 Q. All right. We'll come back to</p> <p>6 that.</p> <p>7 In part of your preparation for</p> <p>8 today, did you have an opportunity to review</p> <p>9 DDM's responsibilities under the Controlled</p> <p>10 Substances Act?</p> <p>11 A. Yes.</p> <p>12 Q. And you understand the Controlled</p> <p>13 Substances Act is the kind of rubric that</p> <p>14 governs --</p> <p>15 A. Is that supposed to be blank?</p> <p>16 Q. I should have explained that to</p> <p>17 you when we started. The screen in front of</p> <p>18 you, when we have a document open, it's a --</p> <p>19 it's a little distracting. But it's the same</p> <p>20 document you have in front of you. And if I'm</p> <p>21 referring to a specific paragraph or a specific</p> <p>22 sentence, which we'll get there, it will help</p> <p>23 you kind of find where you are. But it's the</p> <p>24 same thing. So if you have a paper version, you</p>
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<p>1 prescriptions or more specifically for</p> <p>2 controlled substances, how many distribution</p> <p>3 centers for prescriptions or controlled</p> <p>4 substances does DDM have?</p> <p>5 A. One.</p> <p>6 Q. And where is that located?</p> <p>7 A. 211 Commerce Drive, Medina, Ohio.</p> <p>8 Q. Okay. And that one distribution</p> <p>9 center, is that different than the facility that</p> <p>10 carries all of the products for the front end of</p> <p>11 the store or the OTC?</p> <p>12 A. Yes, sir.</p> <p>13 Q. All right. And so all of the</p> <p>14 Schedule III, Schedule IV, Schedule V controlled</p> <p>15 substances that DDM distributes to its</p> <p>16 pharmacies come from 211 Commerce?</p> <p>17 A. Yes.</p> <p>18 Q. Now, did any of your roles in your</p> <p>19 16-plus years at DDM cover responsibility for</p> <p>20 211 Commerce, the distribution center?</p> <p>21 A. As far as me being the responsible</p> <p>22 pharmacist on the license, no.</p> <p>23 Q. Okay. Did you oversee the roles</p> <p>24 and responsibilities of DDM as a distributor in</p>	<p>1 can feel free to use that. If you want to use</p> <p>2 the one on the screen, use that.</p> <p>3 A. Got it.</p> <p>4 Q. Okay? Sorry. I should have said</p> <p>5 that in the beginning.</p> <p>6 A. Okay.</p> <p>7 Q. So you understand that the</p> <p>8 Controlled Substances Act or the CSA governs</p> <p>9 DDM's responsibilities in its role as a</p> <p>10 distributor, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And there are different or</p> <p>13 additional responsibilities that -- statutes</p> <p>14 that govern DDM's responsibility as a pharmacy,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. There is a rubric under the CSA</p> <p>18 that governs pharmacists in dispensing, and that</p> <p>19 is different than the roles and responsibility</p> <p>20 under the CSA for DDM as a distributor, correct?</p> <p>21 A. Yes.</p> <p>22 ---</p> <p>23 (DDM-Briscoe Exhibit 5 marked.)</p> <p>24 ---</p>

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